IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 692/2001

VIRENDRA SINGH Vs. STATE OF RAJASTHAN & ORS.

DATE: 19.01.2007.

HON'BLE MR. K.S. RATHORE, J.

None present for the complainant-petitioner.
Mr. Ashwani Kumar Sharma, PP for the State.

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In brief the facts of the case are that the complainant-petitioner Virendra Singh lodged a written report on 20.02.96 at P.S. Behror stating therein that he was working as Headmaster in Government Secondary Schhol, Gandala and on that day at around 10.00 a.m. He was going on his motorcycle to Gandala School. It was further stated that about 1 km. before Gandala, he met Mahipal, Rajveer and one more person who was standing besides their scooter. All three of them stopped his motorcycle No. HMN-266 and snatched it and when he tried to protest, they assaulted him. Accused Mahipal was having a Katta whereas the other two accused were having knives. They also snatched Rs. 1000/- which were in his pocket and took his motorcycle and fled away. On the said report, FIR No. 61/1996 was registered and

investigation commenced. After investigation, charge-sheet was filed against the accused persons under Section 394 IPC. Thereafter charges under Sections 341 and 394 were framed against the accused, who denied the same and claimed to be tried. After hearing arguments of both the parties, the learned Civil Judge (Sr. Division) & Additional Chief Judicial Magistrate, Behror, District Alwar vide its judgment dated 16.05.2001 convicted the accused-respondents Nos. 3 and 4 namely Mahipal and Rajveer for the offence under Sections 394 and 341 IPC and sentenced each of them to undergo R.I. for two years and a fine of Rs. 500/- under Section 394 IPC and S.I. for one month and a fine of Rs. 100/- under Section 341 IPC and acquitted the respondent No.2 Rajesh @ Raju from the aforesaid offences.

Being aggrieved and dissatisfied with this judgment dated 16.05.2001, the complainant-petitioner has filed the present revision petition under Section 397 r/w Section 401 Cr.P.C.

I have carefully perused the impugned judgment dated 16.05.2001 and have also gone through the relevant record.

The prosecution has not been able to prove the offence under Sections 341 and 394 IPC against the

accused-respondent Rajesh, therefore, he has been acquitted from the aforesaid offences but so far as accused-respondents Mahipal and Rajveer are concerned, they are found guilty for the offence under Sections 341 and 394 IPC and are sentenced as indicated herein above.

Upon careful perusal of the evidence adduced by the prosecution as well as by the defence and after going through the record of the case, I find no illegality or error apparent on the face of the record in the impugned judgment dated 16.05.2001. As the prosecution has failed to prove its case against accused-respondent Rajesh, therefore, he has rightly been acquitted from the aforesaid offences and as offence under Sections 341 and 394 is found proved against accused Mahipal and Rajveer, therefore, they have rightly been punished. No interference whatsoever is required by this Court.

Consequently, the revision petition fails and the same is hereby dismissed.

Record be sent back forthwith.

(K.S. RATHORE),J.

/KKC/